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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 4070/2025**

MUKESH @ BHOLA (THROUGH PAIROKAR)Petitioner

Through: Mr. Shyam Manohar, Advocate.

versus

STATE (GOVT. OF N.C.T) OF DELHIRespondent

Through: Mr. Aashneet Singh, APP for State
along with SI Jitender Kumar, PS
Special Cell.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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03.12.2025

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 73/2024 registered under Section 186/353/307 of the Indian Penal Code, 1860³ and Section 25/27 of the Arms Act, 1959 at P.S. Special Cell.

2. The prosecution's case, in brief, is as follows:

2.1. On 2nd March, 2024, acting on secret information, a team of the Special Cell laid a trap near NSP Market Parking, Pitampura, to apprehend the Applicant, who was stated to be involved in multiple FIRs relating to firing incidents, namely FIR No. 937/2023 (P.S. Rajouri Garden), FIR No.

¹ "BNSS"

² "Cr.P.C."



03/2024 (P.S. Jahangirpuri) and FIR No. 111/2024 (P.S. Jahangirpuri), registered under Sections 336/307/34 IPC and Sections 25/27 of the Arms Act.

2.2. At about 12:15 AM, the Special Cell team allegedly intercepted the Applicant at the said location. According to the prosecution, there was a brief exchange of fire, though no injuries were reported on either side. A semi-automatic .32 bore pistol and two empty cartridges were recovered from the spot, on the basis of which the present FIR was registered.

2.3. During interrogation, the Applicant is stated to have disclosed that he had been released on interim bail on 4th November, 2023, in FIR No. 303/2014 (P.S. Sabzi Mandi) registered under Sections 302/34 IPC and Sections 25/27 Arms Act, which was extended until 10th January, 2024. He did not surrender on the due date. The prosecution alleges that during this period, he participated in multiple firing incidents including one at a night club in Rajouri Garden and others in the Jahangirpuri area on 4th January, 2024 and 27th February, 2024. A chargesheet has since been filed in the present FIR.

3. Mr. Shyam Manohar, counsel for the Applicant, submits that Applicant has been falsely implicated and that the present case represents an attempt by the State to project a successful action against a person who has prior cases registered against him. It is urged that there are no independent public witnesses or CCTV footage to corroborate the alleged encounter or the recovery of the firearm from the Applicant. It is further contended that his arrest was arbitrary and that the grounds of arrest were not duly furnished. Counsel submits that the Applicant is already on bail in all other

³ “IPC”



cases except two, in which he continues to remain in judicial custody, and that the mere pendency of multiple FIRs cannot, by itself, justify denial of bail in the present case. The Applicant has now remained in custody for over 18 months and, with investigation complete and a chargesheet filed, further detention would operate as a form of pre-trial punishment.

4. *Per contra*, Mr. Aashneet Singh, APP for the State, opposes the bail. He submits that the Applicant is involved in multiple serious offences, including several cases under the Arms Act and provisions of the IPC relating to firing incidents, demonstrating a sustained pattern of violent conduct. It is further pointed out that the Applicant misused the liberty granted to him by way of interim bail in the earlier case under Sections 302 and 34 IPC by allegedly indulging in fresh firing incidents during that period and thereafter absconding. According to the State, the Applicant has shown a clear disregard for the law and for court orders, is a habitual offender, and poses a significant threat to public safety. On this basis, it is submitted that there is a serious risk of reoffending and absconding if the Applicant is released, and that the nature of the allegations does not justify grant of bail.

5. The Court has considered the submissions and perused the material placed on record. The Applicant has been in custody in the present case since 3rd March, 2024. Investigation stands concluded and a chargesheet has been filed. The matter is now at the stage of trial before the competent court. No further custodial interrogation of the Applicant is required.

6. The prosecution case rests primarily on the alleged recovery of a firearm at the instance of the police party and on the Applicant's own disclosure. No independent witness, CCTV footage or other contemporaneous material has been brought to this Court's notice to



corroborate the alleged exchange of fire or to link the Applicant to the weapon beyond the version of the police officials themselves. It is also not disputed that no injury was suffered by any member of the raiding party. The credibility of the recovery, the manner of the alleged firing incident, and the evidentiary worth of any disclosure are issues to be adjudicated at trial through evidence and cross-examination. At the present stage, this Court is not required to conduct a mini-trial on these aspects.

7. As regards his antecedents, there is no dispute that the Applicant has multiple FIRs to his name and that he is also an accused in a case under Sections 302/34 IPC. Those cases, however, form the subject of separate proceedings. The Supreme Court in *Prabhakar Tewari v. State of U.P.*,⁴ has held that the mere pendency of several criminal cases cannot, by itself, furnish a ground to deny bail if, on an overall assessment, the statutory conditions for bail are otherwise satisfied; antecedents may certainly justify greater caution, but cannot be treated as an absolute bar.

8. Any apprehension expressed by the State regarding the possibility of the Applicant absconding, reoffending or tampering with witnesses can be sufficiently addressed through imposition of stringent conditions.

9. The settled principle is that bail is the norm and pre-trial detention is to be resorted to only where necessary to secure the accused's presence at trial or to protect the integrity of the process. Bail is not intended to be either punitive or preventive in itself.⁵ The length of custody, the completion of investigation, and the absence of any demonstrated need for further custodial interrogation are all relevant considerations.

⁴ (2020) 11 SCC 648.

⁵ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of*



10. The application is accordingly allowed. The Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- g. The Applicant shall report to the concerned PS on first Friday of every month;

11. In the event of there being any FIR /DD entry/ complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

12. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence

Investigation, (2022) 10 SCC 51.



the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

13. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

DECEMBER 3, 2025/MK